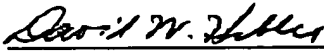


CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being filed with Dianne Maggard of the United States Patent and Trademark Office by facsimile transmission on November 8, 2005 to facsimile telephone number (571) 273-0300.

41,071



David W. Hibler

(Reg. No.)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | | |
|------------------|---|-------------------|--------------|
| Appellant(s): | Friddle <i>et al.</i> | Group Art Unit: | 1646 |
| Application No.: | 09/916,122 | Appeal No.: | 2005-1923 |
| Filed: | 07/26/2001 | Examiner: | J. Ulm |
| Title: | Novel Human TTM Protein and Polynucleotides Encoding the Same | Atty. Docket No.: | LEX-0206-USA |

WITHDRAWAL OF APPEAL**Mail Stop Appeal Brief - Patents**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Appellants acknowledge receipt of the Decision on Appeal ("the Decision") mailed on October 31, 2005, which has been carefully reviewed and studied. While Appellants maintain their disagreement with the rejections set forth by the Examiner, and do not agree with the decision of the Board "affirm[ing] the examiner's rejection of claims 1-5" (the Decision at page 8), Appellants hereby withdraw the present appeal (Appeal No. 2005-1923), entirely without prejudice and without disclaimer, in order to pursue claims in a continuing application, which was filed on October 5, 2005.

Appellants believe that no fees are due in connection with this request. However, the Commissioner is authorized to charge any required fees to Deposit Account No. 50-0892.

Respectfully submitted,

November 8, 2005

Date

David W. Hibler

David W. Hibler
Agent for Appellants

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From: David W. Hibler *DWA*
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Fax: 571-273-0300

Date: November 8, 2005

Phone:

Pages: 3 (including coversheet)

Re: Appeal No. 2005-1923
Application Serial Number: 09/916,122
Atty. Dkt. No. LEX-0206-USA

CC: File

•Comments:

Please find attached a Withdrawal of Appeal No. 2005-1923. Please contact me at the number shown above if there are any questions.